

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES KENNEDY, Derivatively on Behalf of
Nominal Defendant APPHARVEST, INC.,

Plaintiff,

v.

JONATHAN WEBB, LORN EGGLETON,
DAVID LEE, KIRAN BHATRAJU, CIARA A.
BURNHAM, GREG COUCH, ANNA MASON,
R. GEOFF ROCHESTER, MARTHA
STEWART, and JEFFREY UBBEN,

Defendants,

and

APPHARVEST INC.,

Nominal Defendant.

Case No. 1:22-cv-01153-RGA

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 23.1(c) and Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby voluntarily dismisses his claims in the above-captioned consolidated action (the "Action") without prejudice. No compensation in any form has passed directly or indirectly from any of the Defendants to Plaintiff or counsel for Plaintiff, and no promise to give any such compensation has been made. Defendants have filed neither an answer nor a motion for summary judgment in the Action.

Dated: November 9, 2023

BIELLI & KLAUDER, LLC

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Attorneys for Plaintiff

SO ORDERED:

Dated: _____, 2023

HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE